IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2198 OF 2005

IN

CHAMBER SUMMONS NO.491 OF 2005

IN

SUIT NO.918 OF 2002

ICICI Limited.(Debenture trustees) ...Plaintiff.

vs.

1. Shri.Ishar Alloys Steels Ltd. & others. ...Defendants.

And

G.E.Capital Services India Ltd. ...Applicant.

Ms.Pooja Sood i/b. M.K.Ambalal & Co., for Plaintiff.

MR.Ashish Kamat i/b. M/s.Nina Chaugule & Associates, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 22nd March, 2007.

P.C.:-

1. This is a notice of motion taken out for restoration of the chamber summons which was dismissed for non prosecution. Though, there is explanation given as to why the Counsel was absent when the chamber summons was called, there is no explanation found as to why the Advocate on record was also absent. Still the notice of motion is to be granted as the applicant is willing to pay substantial cost to the plaintiff. In view of the willingness of the applicant to pay substantial cost, the notice of motion is granted in terms of prayer clause (1) subject to payment of Rs.15,000/- as cost to the plaintiff. Payment of cost is condition precedent. Cost to be paid within two weeks.